

AGENDA
ZONING BOARD OF APPEALS

January 8, 2014

6:30 PM

CITY HALL, 312 ½ N. MAIN ST., GALENA, IL

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Approval of December 11, 2013 Meeting Minutes

OLD BUSINESS

4. Cal. No. 13S-05. Applicant: Eric Dregne, Prairie Ridge of Galena, LLC – PO Box 6425, Galena, IL 61036. Owner: Midwest Medical Center, 1 Medical Center Drive, Galena, IL 61036. Location: Lot Three (3) of Midwest Regional Medical Center Subdivision, being a part of the South Half of the SW Quarter of Section 2, T28N, R1W of the 4th P.M., Rawlins Township, County of Jo Daviess in the State of Illinois. Request for Special Use Permit to allow a new 60-unit, Senior Living Community, Large Group Residential Use in a General Commercial District. Final consideration and ruling.

NEW BUSINESS

5. Concept Plan Review – Wendy Heiken, review of a proposed rezoning and special use permit request on the property at 1004 Park Avenue to allow for Indoor Commercial Entertainment use. Applicant would like to offer an educational and entertaining program about Annie Wiggins At Home: A Woman’s Life During the Civil War – this would be an accessory use to the Small Inn use currently at this property.

COUNTY ZONING

6. None

WORKSESSION & OTHER

7. None

PUBLIC COMMENTS

8. Public Comments

10. Adjourn

Persons who have difficulty using the front stairs are invited to use the lift located at the Bench Street entrance to City Hall. Anyone who may require special assistance or special accommodation should contact City staff during office hours at 777-1050, prior to the meeting.

Posted January 3, 2014

By Matt Oldenburg

**MINUTES
ZONING BOARD OF APPEALS
DECEMBER 11, 2013**

DRAFT

CALL TO ORDER:

Acting Chairperson Baranski called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, December 11, 2013 at City Hall, 312 ½ N. Main Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Present
Bochniak	Present
Cook	Present
Holman	Present
Nybo	Absent
O'Keefe	Absent
Rosenthal	Absent

A quorum was declared.

Matt Oldenburg, Zoning Administrator, Joe Nack, City Attorney, and Deb Price, Secretary, were also present.

APPROVAL OF MINUTES

MOTION: Bochniak moved, seconded by Cook to approve the minutes from the October 9, 2013 meeting.

Motion carried on voice vote.

OLD BUSINESS

Cal. No. 11A-04, Applicant: City of Galena - 312 ½ North Main Street Galena, IL 61036. Request for Text Amendment to Section 154.015 and Section 154.406 (H) (6) to revise the Definition of Recreational Vehicles and the Storage Regulations for Recreational Vehicles. This was recommended for approval by the ZBA at the October 12, 2011 meeting, but never made the agenda at City Council. Zoning Administrator asks ZBA for consideration to reinstate the Text Amendment and place on the Council's agenda at the next available meeting.

Oldenburg said two years ago the Zoning Board approved this City initiated request. It needed City Council approval but for some reason it never made it to the Council. He wanted to check with the Board to see if it was still their intention to have this sent to the City Council.

After a brief discussion the Board agreed they would like this to go to the City Council.

NEW BUSINESS

Cal. No. 13S-05, Applicant: Eric Dregne, Prairie Ridge of Galena, LLC – PO Box 6425, Galena, IL 61036. Owner: Midwest Medical Center, 1 Medical Center Drive, Galena, IL 61036. Location: Lot Three (3) of Midwest Regional Medical Center Subdivision, being a part of the South Half of the SW Quarter of Section 2, T28N, R1W of the 4th P.M., Rawlins Township, County of Jo Daviess in the State of Illinois. Request for Special Use Permit to allow a new 60-unit, Senior Living Community, Large Group Residential Use in a General Commercial District.

City Attorney Nack swore in all those who wished to testify at tonight's Public Hearings.

MOTION: Cook moved, seconded by Bochniak to open the Public Hearing.

Motion carried on voice vote.

Marty Johnson, 28 Vista Ridge, Galena said he had been approached around three years ago by John Cooke regarding a full service senior living facility complex for Galena. A group of seven interested Galena persons formed an LLC. They then hired a marketing firm from Cedar Rapids, Iowa and a market study and feasibility study were done. Approximately 2500 surveys were sent out; 17% were returned. This was a great response. The concept continued and they considered six different sites eventually deciding on property at the Midwest Health center campus. Originally, when the PUD was sought, this area was identified as a living facility.

Johnson said the seven acre parcel would access off Norris Lane. This out lot wraps around a one acre lot where Terry Cole moved the farmhouse that was located where the hospital was built. A gas line that runs from Chicago to Minneapolis cuts across the property rendering about 120 feet unusable. The plan is to build a 3 story, 60 unit building with underground parking, surface parking and a loop drive. The architectural style would be to mimic the hospital design making the new building compatible, but not identical. The materials and silhouette would be complementary. The main floor would have all amenities as well as two wings with 10 housing units each. The second and third floors would each have 20 units as well as mechanicals. The driveway is about 900 feet away from the highway. They are looking at the possibility of a service drive connecting with the hospital driveway. They will have night sky lighting and their own detention pond. They will be looking to become LEED certified. They would like to have the project be as 'Galena' as possible. What this means is that whenever possible the Board, Committees, contractors, etc. will be Galena based. This would create a mini economic stimulus for Galena. They have had six focus groups of anywhere from eight to fifteen persons, many who would be users of such a facility, help with design and details. Currently they are raising equity for the project and looking for debt

lenders. They have met with State of Illinois economic development personnel and the County's development board. Last night the project was unanimously approved by the County Board to be included in the enterprise zone. It is estimated that this would be a \$15 million project. They are at a schematic level – nothing has been finalized, but they would hope to open in 2015.

Bochniak asked about traffic relating to Highway 20 and Norris Lane.

Johnson said this type of development was part of the initial hospital project in 2006 so that is what IDOT is referring to. Johnson said they would like to put together a coalition consisting of neighboring factions to try and work with IDOT to see how they can address the turning lane issue. There is some discussion with IDOT of Highway 20 becoming three lanes out to the intersection with Highway 84.

Holman asked if there would be a parking spot for every unit.

Johnson said the complex is geared to persons fifty five and older. They are not sure if everyone would have a vehicle. The goal is to have all residents park their cars underground. He said they really are trying to provide all services to the residents. Car service or shuttles would be provided.

No one else testified in favor of or in opposition to the request.

MOTION: Cook moved, seconded by Holman to close the Public Hearing on Cal. No. 13S-05.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Holman to approve Cal. No. 13S-05 as requested.

Discussion: Bochniak said this has been talked about for a couple of years. It is in compliance with the Comprehensive Plan with development on the western edge of Galena. It is a complementary use to the hospital and would be a great asset to Galena.

Holman agreed.

Baranski also agreed. In looking at the approval criteria all would apply except that 5a is not applicable and 5c would be addressed with the next public hearing. He feels it is a really good project.

Holman said he would like to see more shade trees as part of the landscaping. It seems there are lots of hard surfaces.

Baranski said there will be landscaping points that have to be met.

Johnson said that it is an open site. The landscaping is very important and it will be first class. There will be lots of clustering of trees – 1 ½" caliper or larger and both deciduous and non-deciduous. LEED certification has additional requirements for windbreaks and trees. He also

mentioned that the focus groups have shown interest in having individual garden plots and walking paths. These were not shown on the plans. They have also been thinking of having an area of natural prairie that would possibly wind around behind the hospital. They want this development to blend seamlessly with the current hospital landscaping.

Baranski said the traffic issue needed to be discussed.

Oldenburg said the Norris Lane access needs to be granted by Rawlins Township. The City is not responsible for granting that access. The motion could include this.

MOTION: Bochniak moved, seconded by Holman to amend the original motion to include that approval be conditional on the applicant receiving access approval from Rawlins Township.

Holman asked if the lighting would be downcast.

Johnson said it would be 70% cut off. The lights would be lower voltage and on shorter poles than those at the hospital.

Roll Call on the amendment was:

Bochniak	Yes
Cook	Yes
Holman	Yes
Nybo	Absent
O'Keefe	Absent
Baranski	Yes
Rosenthal	Absent

Motion carried.

Baranski asked that roll be called on the original motion.

As Roll Call was:

Cook	Yes
Holman	Yes
Nybo	Absent
O'Keefe	Absent
Baranski	Yes
Bochniak	Yes
Rosenthal	Absent

Motion carried.

Cal. No. 13HCO-02, Applicant: Eric Dregne, Prairie Ridge of Galena, LLC – PO Box 6425, Galena, IL 61036. Owner: Midwest Medical Center, 1 Medical Center Drive, Galena, IL 61036. Location: Lot Three (3) of Midwest Regional Medical Center Subdivision, being a part of the South Half of the SW Quarter of Section 2, T28N, R1W of the 4th P.M., Rawlins Township, County of Jo Daviess in the State of Illinois. Request for Non-Administrative Highway 20 Development Permit to construct a new 60-unit, Senior Living Community and associated site improvements.

MOTION: Cook moved, seconded by Bochniak to open the Public Hearing on Cal. No. 13HCO-02.

Motion carried on voice vote.

Johnson said in looking at the site plan there is a vehicle drop off in front of the building's amenities area with a club house feel inside. The architecture picks up the cues from the hospital using brick and stone. The clock tower has been replicated somewhat. Inside that area is near the elevator and a sitting area where you could sit and look out over the landscaping. The buildings will have pitched asphalt roofs with a layered look that will break up the expanse. The materials that would be used are brick, stone, aluminum clad windows and EIFS material. Deep roof overhangs with some bracketing similar to the hospital would help keep the harmonious look of both campuses.

No one else testified in favor of or in opposition to the request.

MOTION: Cook moved, seconded by Bochniak to close the Public Hearing on Cal. No. 13HCO-02.

Motion carried on voice vote.

MOTION: Bochniak moved, seconded by Cook to approve the request as written for Cal. No. 13CO-02.

Discussion: Bochniak said this request is similar to the first when looking at its merits. It's a great fit for the City, the Comprehensive Plan and will be a great asset for Galena.

Baranski agreed. The architecture is consistent with the guidelines in all aspects. The established sense of quality is a good thing for the City. The request meets all seven of the approval criteria.

As Roll Call was:

Holman	Yes
Nybo	Absent
O'Keefe	Absent
Baranski	Yes
Bochniak	Yes
Cook	Yes
Rosenthal	Absent

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None

MOTION: Bochniak moved, seconded by Holman to adjourn the meeting.

Motion carried on voice vote.

Baranski adjourned the meeting at 7:05 PM.

Respectfully submitted by



Deb Price
Zoning Board Secretary

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 13S-05

APPLICATION BY: Eric Dregne for Prairie Ridge of Galena, LLC – PO Box 6425, Galena, IL 61036

FOR: A Special Use Permit to allow a new 60-unit, Senior Living Community as a Large Group Residential Use in a General Commercial District. The applicant is proposing to establish the development on Lot 3 of the Midwest Regional Medical Center Subdivision, PUD.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on December 11, 2013. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is asking for a Special Use Permit to allow a new 60-unit, Senior Independent Living Community as a Large Group Residential Use in a General Commercial District. The applicant states:

The proposed development will be constructed on Lot 3 of the Midwest Regional Medical Center Subdivision, PUD. This development, with all-inclusive amenities, will be the only Senior Living Community in Galena and Jo Daviess County that offers full services. The 60-apartment complex will begin to meet the high level of need for senior housing in our community. The development will provide housing for up to 120 senior citizens and a host of services for the residents. In addition, \$15,000,000.00 of new development will be the largest private investment in Galena in more than a decade. Ongoing economic impact to Galena and the surrounding area will be significant as well. A market assessment completed by Senior Housing Consultants, Inc.

indicates that the selected site and amenities offered will be favorable and compatible with the needs of the target demographic in this area.

The original PUD agreement in June 2006, 06PD-02, rezoned Lot 3 with an underlying default zoning district as General Commercial for a proposed future use for an assisted living or long term care facility. City Staff has interpreted this proposed use as a Large Group Residential Use with long term care that is compatible with the intent of the original PUD agreement and therefore does not require a PUD Amendment.

Staff review indicates that the proposed project is consistent with the objectives of our Comprehensive Plan and that Large Group Residential Use is allowed by Special Use Permit only in General Commercial Districts. This property lies within the Highway 20 Corridor Overlay District and requires a Non-Administrative Highway 20 Development Permit, which is concurrently being requested (Cal No. 13HCO-02).

The Site Plan Review indicates that the proposed principal structure, parking area and landscaping surface ratio meets all residential bulk and density standards as required in §154.202 and §154.207. This proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, the Land Use Map and requirements of the Zoning Ordinance.

Please refer to §154.406 (A)(15)(b) for Large Group Residential Use regulations.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Special Use Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

Testimony Presented on Behalf of the Applicant and in Support of the Proposal:

- **Marty Johnson, 28 Vista Ridge - Prairie Ridge of Galena, LLC** spoke as the applicant. He spoke about the background of the project's founding team and about the market analysis resulting from local survey and studies. He continued to describe the site plan and general, conceptual aspects of the principal structure, comprised of 60 apartment units throughout 2 wings on 3 levels, a common area and underground/outdoor parking facility. The amenities are all-inclusive and cater to all of the needs of seniors in this independent living facility. The amenities were determined by feedback from local focus groups. The intention of the development is to be as "Galena" as possible with ownership, contractors, etc. The project

will be approximately 15-16 Million Dollars and a tremendous asset to the community from an economic and service standpoint. Traffic was also addressed and they are seeking to establish a coalition amongst the neighboring properties to take a look at possible turning lanes in this section of the highway corridor.

- **There was no further testimony either in support or in opposition to the request.**

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Table 154.202 provides the bulk standards for principal structures for all residential land uses in General Commercial District.
- Table 154.207 provides density standards for all residential land uses within the General Commercial District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (A) (15) (b) defines and outlines the regulations for Large Group Residential Use.
- Articles 6 & 7 describe the parking, landscaping and performance standards for new developments.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

CONCLUSIONS

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the General Commercial (GC) District as part of the Midwest Medical Center Subdivision PUD.
2. The Zoning Ordinance provides for Large Group Residential uses when certain conditions are met.
3. Large Group Residential is permitted by Special Use in the General Commercial District.
4. Section 154.406 (A) (15) (b) defines Large Group Residential as follows:
Group / institutional residential - large. This land use is a form of residential development designed to accommodate institutional residential land uses (such as retirement homes, nursing homes, convents, and dormitories) as well as group residential land uses, including child welfare agencies, group homes for children, and community based residential facilities. Such uses provide shelter to two or more unrelated individuals living together as a single housekeeping unit. No individual lots are required, although the development shall

contain a minimum of 800 square feet of gross site area for each occupant of the development. A minimum of 30% of the development's gross site area (GSA) shall be held as permanently protected green space. For purposes of this Chapter, such uses are defined as either "large" or "small." Large uses have more than eight persons, plus supervisory or overnight personnel.

5. The detailed land use regulations (Section 154.406 (A) (15) (b)) associated with this accessory use are as follows:

(b) *Group residential uses - regulations:*

1. No community living arrangement shall be established within 2,500 feet of any other such facility, regardless of capacity.

2. The applicant shall demonstrate that the total capacity of all community living arrangements (of all capacities) in the city shall not exceed 1% of the city's population (unless specifically authorized by the Zoning Board of Appeals following a public hearing).

6. The applicant seeks a Special Use Permit to be allowed to allow a new 60-unit, Senior Independent Living Community as a Large Group Residential Use in a General Commercial District.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Eric Dregne for Prairie Ridge of Galena, LLC, for a 60-unit, Senior Independent Living Community as a Large Group Residential Use on Lot 3 of Midwest Medical Center Subdivision PUD should be approved for the following reasons:

1. The site plan met the criteria for this request.
2. The request meets the General Commercial District standards and defining characteristics of the district.
3. The request meets the land use regulations established for Large Group Residential.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
 - a. The protection of privacy will be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
 - c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.
6. The proposed use of the Large Group Residential is consistent with the planned use of Lot 3 in the PUD Plan Agreement Cal. No. 06PD-02.

DECISION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals has determined that this request by Eric Dregne for Prairie Ridge of Galena, LLC, for a 60-unit, Senior Independent Living Community as a Large Group Residential Use on Lot 3 of Midwest Medical Center Subdivision PUD should be approved with the following conditions:

1. Access to Norris Lane must be approved by the proper authorities (Rawlins Township) before construction begins.

PASSED AND APPROVED this 8th day of January, A.D. 2014, by the Galena Zoning Board of Appeals by a vote of ___ ayes, ___ nays, ___ absent, ___ abstain, ___ recused.

Mr. John Rosenthal, Chairperson

MEMO

To: The Zoning Board of Appeals
From: Matt Oldenburg, Zoning Administrator
Date: January 2, 2014
RE: Concept Plan Review: Wendy Heiken, review of a proposed rezoning and special use permit request on the property at 1004 Park Avenue to allow for the accessory use of Indoor Commercial Entertainment by giving themed tours of the Annie Wiggins Guest House.

Concept Plan Review:

The purpose of the concept plan review is to allow an optional process that may provide an applicant with a general, non-binding direction from the Zoning Board of Appeals prior to submittal of a development application.

A copy of the letter submitted by the applicant is included in the packet for your use. The concept plan for this development as proposed by the applicant during our preliminary meetings includes the following elements:

1. A Zoning Map Amendment request (rezoning request) to change the zoning district for the property at 1004 Park Avenue from Low Density Residential (LDR) to a Neighborhood Commercial (NC) to allow for an accessory use as an Indoor Commercial Entertainment by Special Use Permit. This rezoning would also bring their principal use as a Small Inn into compliance with our current Zoning Ordinance for Land Uses; albeit Small Inns are now allowed in LDR, NC would be more appropriate. The site and structure would be considered legal, existing non-conforming. This property is located in a transitional zoning area, where there is a peripheral transition from downtown commercial uses to residential uses on the East Side. The property is adjacent to the Belvidere Mansion, which seasonally operates tours as a legal, existing non-conforming use. The property to the North is LDR and residential use. The property to the West is Railroad and City property and is green space in LDR. The property to the East is LDR and residential use.
2. A Special Use Permit request for an Indoor Commercial Entertainment use in order to allow the applicant to offer themed tours of the guest house. This request would be contingent upon approval of the above mentioned rezoning request. The proposed tours would be educational/entertainment about "Annie Wiggins At Home: A Woman's Life During the Civil War". The proposed use meets the performance requirements of Article 7 of the Zoning Ordinance. There is limited off-street parking available due to physical restrictions and, therefore, only on-street parking is available on Park Avenue. Performance standards in Article 6 require 1 off-street parking space per 3 patrons. The current principal use as a Small Inn requires 8 off-street spaces by current standards; presently, the Small Inn can provide off-street parking for up to 3 vehicles at the rear of the property. On-street parking (unmarked) off of Park Avenue at 90 degree stalls can accommodate up to 5 vehicles in front of the property. 9 vehicles can park in the same manner in front of the Belvidere Mansion's property. Consideration may be given to available parking during the week when guests of the Small Inn are less. Conditions may be placed by the ZBA on the maximum allowed patrons per tour. Otherwise a variance may be required for compliance with current parking requirements.

The following section of the Zoning Ordinance on the Concept Plan Review process is included for your use:

§ 154.921 CONCEPT PLAN.

(A) *Purpose.* The concept plan review is an optional process that may provide an applicant with a general, non-binding direction from the Zoning Board of Appeals prior to submittal of a development application. Although it is the intent of this process to be as helpful as possible to an applicant in designing a proposed project, applicants should not rely on the direction as an indication of any future decision-making by the Zoning Board of Appeals on any subsequent requests for development permits. The city explicitly disclaims any direction or the outcome of any future decision-making.

(B) *Applicability.* A concept plan review may be requested for any type of development that requires a recommendation or final action by the Zoning Board of Appeals.

(C) *Review criteria.* The concept plan shall be evaluated using the criteria required for the type of development. The ability of the Zoning Board of Appeals to apply the criteria may be limited based on the amount of information provided with the application.

(D) *Decision-maker.* The individual members of the Zoning Board of Appeals may provide any and all comments, questions, critiques and direction they deem appropriate to assist the applicant with preparing a subsequent application for a development permit. These comments are strictly advisory and should not be taken as an indication of how the individual members or Zoning Board of Appeals as a whole may vote on any subsequent application for a development permit. The Zoning Board of Appeals shall not take a formal vote on any portion of the concept plan.

(E) *Application and review procedures.* Application requirements and processing procedures are those described in [Table 154.918.1](#) and § [154.919](#) with the following modifications:

(1) *Staff review, report and recommendations.* The Zoning Administrator shall not be required to review the plan, circulate the plan to other agencies, produce a report, or make recommendations but may do any or all of these at said Administrator's discretion.

(2) *Notice.* Notice is not required unless requested by the applicant. Requested notice shall be the same as that required for the development permits necessary to allow the proposed type of development.

(3) *Appeal.* Because there is no decision, there is no appeal of any direction given by the Zoning Board of Appeals; however, in its discretion, City Council may elect to provide direction of its own on any concept plan.

Annie Wiggins At Home

A Woman's Life During the Civil War

I Propose offering an educational and entertaining program in my Bed and Breakfast. My intention would be to offer this 3 times per day, 2-3 days per weekday, May - October. I would charge \$9.36+ amusement tax to a total of \$10.

1. Parking: The Wiggins Guest house already provides parking for 8 cars. On weekends we have 7 guest rooms, with guests taking 5-8 spots. On weekdays, this parking area is usually empty during the proposed tour hours.
2. Impact on neighbors: I don't see any negative impact on the neighborhood. The Belvedere to the South already operates a tour house 7 days per week, May- Oct. The home to the north of us is vacant except for the rare weekend it is occupied for vacations.

Wendy D. Hecker



